1945 to 47

File No. O Court of Wards/45-47

Legal Deptt

A **BRANCH**

Subject:— Opinions under the Bombay Court of Wards Act 1905

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O Court of Wards/45-47

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C O N T E N T S

Legal Department Vol.No.Court of Wards/1945.

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Office of the R.L.A.

There is no legal objection to the Court of Wards withdrawing, with the sanction of Government its Superintendence from the property in the present case under the first part of section 40(2) of the Bombay Court of Wards Act,1905 (See R.L.A's opinion No.9291 dated 16-12-1938); and the fact that the Court of Wards assumed Superintendence in the mistaken belief that the eldest ward Pratapgrai was a minor would not preclude the Court of Wards from withdrawing its superintendence.

Sd/- P.R.H.

Remembrancer of Legal Affairs.

U.H. to R.I.No.3718,dated the 16th May 1945.

EFN.13/3/

Office of the R.L.A.

The District Judge, Poona, in Miscellaneous Application No.55 of 1941, had declared under section 5(1)(c) of the Bombay Court of Wards Act, that Shrimant Balaji Madhavrao Phadnis, Inamdar and First Class Sardar of the Deccan to be incapable of managing or unfitted to manage his own estate and has directed that the Court of Wards, which had assumed the temporary management of his estate should continue the management and remain in custody of the estate and that in view of the gift deed passed by the Inamdar in favour of his natural son Krishnaji Balavant Menawalikar in respect of part of his estate, the Court of Wards should keep two separate sets of accounts showing the two shares of the adopted son and natural son until such time as the legality and validity of the gift deed is adjudicated upon by a Civil Court. It appears that pending that Miscellaneous Application No.55 of 1941 in the District Court, Poona, Inamdar Balaji gave a notice to his adopted son of his intention to separate from him and on 17th June 1943 has filed a civil suit for a declaration of his separation from his adopted son; and he has also passed a gift deed in favour of his natural son Krishnaji Balavant Menawalikar giving him a share in certain properties of the estate. The adopted son has no objection to the Court of Wards assuming the management of the estate. The question for the consideration of the R.L.A., is whether the natural son Krishnaji Balwant Menawalikar is a co-sharer within the meaning of section 8(2) of the Bombay Court of Wards Act and if so whether the Court of Wards cannot assume the management of the estate without his consent.

Section 8(2) of the Bombay Court of Wards Act, 1905, provides:

Where two or more landholders or pension holders are co-sharers otherwise than as co-sharers in a family which is undivided according to Hindu Law and one of such co-sharers is disqualified under sub-section (1) of

section.....

section 6 the court of wards may assume the superintendence of the undivided share of such disqualifed land-honder or pension holder or may obtain partititon on behalf of the dis-qualified land-holder or pension holder by suit or otherwise and assumes the superintendence of the property allotted to such land holder or pension holder in the partition."

Under the Hindu law illegitimate sons of the three regenerate classes are not entitled to inheritance or to any share on partition; they are entitled to maintenance only (see Mulla's Hindu Law, page 381). Krishnaji Balwant Menawalikar who, as would appear from the Collector's report at p.11 ante is an illegitimate son of the Inamdar would not, therefore, be entitled to inhereitance or to any share on partition of the estate. In Bombay, it has been held that a Hindu father cannot make a gift of even a small protion of the joint family immoveable property to his daughter although it be on the ground that she was looking after him in his old age (see Jinnappa Mahadeappa v.Chimmava Krishtappa, 59 Bom. 459). That rule applies to a gift of the joint family immoveable property to an illegitimate son. Prima facie the gift of undivided family property by the Inamdar to Krishnaji Balavant Menawalikar appears to be invalid. It is however, contended that by the notice of separation given by the Inamdar to his adopted son the coparcenacy became extinct and consequently the Inamdar could fift his whole share or part there of to Krishnaji Balawant Menawalikar. It is true that a Hindu father may separate from his sons and the intention to separate may be evinced by serving a notice on the other coparceners to partition the family property. In the present case there has been no partition of the family property and the question of validity or otherwise of the gift to Krishnaji Balavant Menavalikar has not yet been decided by the court. In the circumstance it is doubtful whether Krishnaji Balavant Menawalikar can be considered a co-sharer within the meaning

of may obtain partition on behalf of the disqualified land holder or pension holder

of section 8(2) of the Bombay Court of Wards Act,. In the absence of any objection from Krishnaji Malagant Menawalikar there appears however no objection to the Court of Wards assuming the superintendence of the estate.

Sd/-

Remembrancer of Legal Affairs.

U.R . to R.D.No.7755, dated the 19th October 1945.

EKN.13/6/

Office of the R.L.A.

In paragraph 3 of his letter No.W.R.D. 241, dated the 20th August 1945, the Commissioner, Central Division states that the estate of Sardar J.B.Phadnis comprises of-

(a)major portion of landed property in Wai taluka and some in the Poona District;

(b) A big wada at Benares and also "Chaharum" rights in respect of certain lands there; these rights consist of a Nazarana to the extent of 1/4 of the value of the lands whenever they change hands;

(c) landed propety in H.E.H. the Nizam's dominions; and

(d) landed property in the Kurundwad State.

In paragraph 6 it is stated that Sardar J.B. Phadnis suggests that the following properties if sold would fetch the amounts shown against them:-

(i) Wada at Benares	Rs.15,000
(ii) Ornaments	" 6,500
(iii) Well at Nahre-Ambegaon	" 5,000
(iv) Chaharum rights	" 10 ,000

The Collector of Poona appears to have ascertained from the Collector of Benares the value the Wada would fetch and it is estimated at Rs.22,000/-. It is stated that the sale of the Wada at Benares and Chaharum rights would fetch about Rs.35,000/- including the arrears. The well at Nahre belongs to one Mr.Thosar and the Sardar has only a right of easement to take water to Sadashiv Peth-howds at Poona. Presumably the proposal is to sell the Wada at Benares and the Chaharum rights over the lands there and not the properties situated in the Kurundwad State and H.E.H. the Nizam's dominions (vide paras. 7 and 9 of the Commissioner's letter).

The question raised by the U.S. R.D. is whether there

as any objection to disposing of some of the properties of the Sardar before the appeal pending in the High Court, Bombay, is decided.

As regards properties situate within the jurisdiction of the High Court of Bombay the Court of Wards can assume superintendence and deal with or dispose of the properties notwithstanding the pendency of the revision application before the High Court.

The provisions of section 3 read with sections 12, 19 and 43 of the Bombay Court of Wards Act, 1905, show that the Court of Wards Bombay cannot be appointed as a Court of Wards or a guardian for the estate of any person outside the Bombay Presidency (vide R.L.A's opinion No.7186, dated 26th September 1931 and 8872 dated 11th November 1931). The Court of Wards Bombay cannot, therefore, be appointed as a Court of Wards for an estate situated outside the province of Bombay but if the Ward, who is a major, has no objection, it may superintend the property of the Ward in an Indian State or in any other Province, not as a statutory body but as an agent or guardian of the Ward. It is, accordingly open to Sardar Phadnis to give a power of attorney in favour of the Court of Wards, Poona, to sell the property situate outside the Province of Bombay. (Cf.R.L.A's opinion No.7186, dated 26th September 1931).

Sd/-

Remembrancer of Legal Affairs.

U.R. to R.D.No.1819, dated the 16th February 1948.

Office of the R.L.A.

Even if under sub-section (1) of section 4 of the Bombay Court of Wards Act, 1905, the Provincial Government now accord sanction to the Court of Wards, Poona, for assumption of superintendence of the estate of Sardar Balaji Phadnis, in view of the injunction order issued by the High Court, Bombay, the Court of Wards, Poona, cannot assume superintendence of the estate under section 13 of the Bombay Court of Wards Act, 1905, so long as it remains in force.

Sd/-
Remembrancer of Legal Affairs.

U.R. to R.D. No.2273 , dated the 23rd March 1946.

RKM.13/6/

Office of the R.L.A.

It appears that Mrs. Krishnabai K. Patil, the permanent tenant of land bearing S.No.100 / 2-B-2K, of the Inam Village called Chandur belonging to the ward Mr.R.S. Deshpande, committed default in the payment of arrears of rent, whereupon the Collector of Belgaum as Court of Wards on 14-7-1943 ordered that her permanent tenancy rights in the said land should be forfeited and the possession of the same should be taken over.

Mrs.Krishnabai K.Patil paid off the arrears of rent on 23-7-1943 and requested the Collector to restore her rights in the said land. Thereupon the collector of Belgaum as court of Wards cancelled the order of forfeiture, and directed that the said land should be restored to her. After it was ordered to be restored to her, Mrs.Krishnabai K.Patil sold it to Mr.P.D.Shah who is the petitioner in this case.

In the meanwhile, the Manager of the estate of Mr. R.S.Deshpande took possession of the said land under the order dated 14-7-1943 referred to above on behalf of the court of Wards, and leased it out to one M.S.Salunke on 24-7-43 subject to the approval of the Collector as Court of Wards.

This lease however was not sanctioned by the Collector (as Court of Wards) as the order of forfeiture had already been cancelled by him. On 6-12-1943, Mr.R.S. Deshpande, the ward appealed to the Commissioner, Southern Division, against the order of the Collector (as the Court of Wards) dated 23-7-1943, contending that after the forfeiture he had become full owner of the land in question, that its restoration to Mrs. Krishnabai K. Patil adversely affected his interests, and praying that the said order should be set aside.

The Commissioner, Southern Division, accordingly,

set aside the order on 8-12-1942, and directed that the possession of the land in question should be given to Rs.S.Deshpande, the ward on the ground that it vested in the Court of Wards free from all encumbrances, after it had been forfeited and its actual possession had been taken over by the Estate Manager on behalf of the Court of Wards, and that Mr.Krishnabai K.Patil's rights could not legally be revived, as sanction of Government under section 27 of the Bombay Court of Wards Act, 1905 had not been obtained.

Mr.P.D.Shah, the petitioner in this case contends that the order of the Commissioner, Southern Division, referred to above is ultra vires and inequitable and requests Government to restore the rights of Mrs.Krishnabai K.Patil in the said land.

Secretary, R.D. is of opinion that the petititoner has a good case in equity, and under section 211 of the Bombay Land Revenue Code read with section 28 of the Bombay Tenancy Act, 1939, Government can revise the order of the Commissioner, Southern Division. The R.L.A. is requested to advise in the matter.

According to the provisions of section 29 of the Bombay Court of Wards Act, 1905, for the purposes of the recovery of rents, profits, and other sums due in respect of property under the superintendence of the Court of Wards, the Court of Wards has all the powers possessed by a Collector under the law for the time being in force for the recovery of land revenue due to Government, including the power conferred by section 176 of the Bombay Land Revenue Code, 1879-

The powers of a Collector for the recovery of land revenue due to Government have been set out in Chapter XI (sec 136 to sec.187) of the Bombay Land Revenue Code, 1879, and certain Bombay Land Revenue Rules.

Section 153 of the Bombay Land Revenue Code, 1879 provides for forfeiture of an occupancy ~~xx~~ for arrears

of land revenue, while rule 126 (1) of the Bombay Land Revenue Rules empowers the Collector to restore, at his discretion, any forfeited land at any time previous to any sale or other disposal under the Rules. on payment of the arrears in respect of which the forfeiture was incurred together with all costs and charges lawfully due, by the defaulter, or on security being given to his satisfaction for the payment of the arrears, costs and charges within a reasonable period.

The Collector (as Court of Wards) in this case had obviously ordered the forfeiture of the permanent tenancy rights of Mrs. Krishnabai K.Patil in Sr.No.100/2B.2K under the provisions of section 53 of the Bombay Land Revenue Code, 1879, and acted under the rule 126(1) of the Bombay Land Revenue Rules while ordering the restoration of the same to her before sanctioning the lease in favour of N.S. Salunke. The legality and propriety of this order could hardly be questioned.

In view of the legal position explained above the order of the Commissioner, southern Division, setting aside the said order and ordering that the possession of the said land in question should be restored to the Ward Mr.R.S.Deshpande viz. to the Court of Wards does not appear to be justifiable.

It is open to Government under the provisions of section 44 of the Bombay Court of Wards Act, to entertain the petition of P.D. Shah, and as requested by him to set side the order of the Commissioner , Southern Division, and restore the order of the Collector of Belgaum (as Court of Wards) dated 23-7-1943.

It is not apparently feasible to intenvene in this matter under section 211 of the Bombay Land Revenue Code, 1879, read with section 28 of the Bombay Tenancy Act, as suggested by Secretary, R.D. because the Bombay Tenancy Act,1939, had not been extended to the Belgaum District by the relevant date, and the porperty in question being

under the superintendence of the Court of Wards, the procedure as laid down in the Bombay Court of Wards Act, 1905 has to be followed in such cases.

Id-

P.N.M.
28/5/46.

Remembrancer of Legal Affairs.

U.R, to R.D.No.4023, dated the 29th May 1946.

EKN.14/6/

Office of the R.L.A.

If the superintendence of the Court of Wards over the property in question has actually been withdrawn prior to 10th November 1945, the date on which the petitioner moved the Government in the matter, it would not, it seems, be competent to Government under section 44 of the Court of Wards Act to revise, modify or reverse the order of the Commissioner, Southern Division in respect of the same.

Sd/-

Remembrancer of Legal Affairs.

U.O.R. to R.D,No.5806, dated the 22nd August 1946.

RKM.14/6/

Office of the H.L.A.

As pointed out in H.L.A's opinion No.5804, dated the 22nd August 1946, since the superintendence of the Court of Wards over the property has been withdrawn with effect from 22nd June 1945. it will not now be competent to Government to revise, modify or revise its order under section 44 of the Bombay Court of Wards Act, 1905.

Sd/

Remembrancer of Legal Affairs.

U R. to H.D. No.7891, dated the 11th November 1946.

EKN.14/6/

Legal Department.

Seen and passed on to Finance Department.

2. There is no provision in the Bombay Court of Wards Act, 1905 for filing an appeal against an order of the District Court passed under that Act. The proper remedy seems to be to file a revision application under section 115 of the Civil Procedure Code.

Sd/-

Secretary to Government.

U.R. to F.D.No.9220, dated the 10th December 1946.

EXH.14/6/

Office of the R.L.A.

The order of the District Judge was in terms of the compromise purshis dated 26-8-1946. It was pointed out by the Collector in his letter of 23-9-1946 (page 17 ante) that these terms were totally different from the terms to which he had given his consent and had asked the District Government Pleader to give his consent on behalf of the Collector. It is not clear why the District Government Pleader agreed to the order being passed in terms which were entirely different from those which have been agreed to by the Collector. Buty at any rate, it can still be argued that the order is without jurisdiction and contrary to the spirit of the Court of Ward's Act and is for that reason liable to revision. If the District Government Pleader has made any mistake in agreeing to the order notwithstanding the instructions to the contrary, his affidavit may be helpful. The Revenue Department is requested to ask the District Government Pleader why he consented to the Court's order which was in terms different from those which were agreed to by the Collector.

Sd/

Remembrancer of Legal Affairs.

U.R. to R.D.No.3476, dated the 10th April 1947.

EKH.14/8/

Office of the R.L.A.

We are now managing the estates of both the Sardar and R.S. Purandare who are already separated. The definition of Government ward includes any person of whose property the Court of Wards may for the time being have the superintendence under the Act. The definition would include the sons of R.S.Purandare. The application made under section 9(1) was signed by R.S.Purandare for himself and his minor sons and also by his two major sons. It is doubtful whether exchange would cover partition. It was held in Gyannessa v. Mobarakanessa I.L.R. 25 Cal.210. (where Frith v.Osborne was considered) that section 118 of the Transfer of Property Act which deals with exchange is not applicable to cases where some of the co-owners possessing an undivided share in several properties take by arrangement a spedific property in lieu of their shares in all. Such transaction would be a partition by which parties hold in severalty lands which had been previously held in common; it would not be an exchange. However, the Court of Wards may do, under section 27 "all such things as it may judge to be best for the benefit of the property and the advantage of the Government ward." It would certainly be to the benefit of the property that Government having taken the trouble to preserve it, it should not be frittered away in unnecessary and wasteful litigation into which it will be inevitably drawn if we leave R.S.Purandare's sons (by his first wife) to seek recourse to a Civil Court. Considering their relations with R.S. Purandare (and they are also Government wards) it would undoubtedly be to their advantage that they should no longer be left to the sweet will of their father. Refusing proper maintenance would furnish good ground for holding that partition is to the advantage of the sons; and so too would be the adoption of an attitude

hostile to their interests. Compare Mahadev v.Lakshman, I;L.R. 19 Bombay 99. I am, therefore, inclined to hold on the special facts of this case that the Court of Wards can proceed to partition the estate, before handing it over.

2. There is a decree for partition between the Sardar and R.S. Purandare. As regards the sons of R.S.Purandare by his second wife, it has recently been held by the High Court that they are sons born of a valid marriage. Madhav Rao v. Raghavendra Rao, 48 Bom.L.R.196. They would thus be entitled to their share. The Court of Wards may either work out the partition between R.S. Purandare and his sons, if it finds it practicable and convenient to do so unaided; or it may seek the help of the Civil Court under the provisions of section 36 of the Act.

Sd/ P.M.Lad.

Remembrancer of Legal Affairs.

U.R. to R.D. No.4081, dated 22nd April 1947.

(Pl. also see R.L.A's opinion No.1317, dated 8th July 1948. File ~.Court of Wards/48.) EKN.14/6/

Office of the R.L.A.

Since partition of the property in the present case appears to be for the benefit of the property and Advantage of the Government Wards who ask for it, there appears no objection to the Court of Wards effecting partition by arbitration.(cf.R.L.A's No.4081 dated 22-4-1947).

Sd/ P.M.Lad.

Remembrancer of Legal Affairs.

U.R. to R.D.,No.4719, dated the 8th May 1947.

F.14/6/

Office of the R.L.A.

Apart from clause 4(c) of the mortgage deed the Court of Wards was bound to restore on redemption the mortgaged property i.e. the village of Taloda to the mortgagor Yadavrao Krishnarao Dargal, Jahagirdar of Taloda (see section 60 of the Transfer of Property Act). The restoration to the mortgagor of the mortgaged village minus the encroached protion would not amount to restoration of the whole of the mortgaged property. Consequently the court of Wards is bound to restore the encroached protion to the mortgagor. It is presumed that the Raishingpur estate out of the funds of which the loan was advanced to the Jahagirdar of Taloda on mortgage is still under the management of the Court of Wards. If so, there appears no legal objection to the Court of Wards evicting the encroachers and restoring the encroached portion of land to the mortgagor (see section 38 of the Court of Wards Act,1905). The view taken by R.D. at p.34 ante is correct.

Sd/

Remembrancer of Legal Affairs.

U.R. to R.D.No.6950, dated the 7th July 1947.

EKN.14/6/

Office of the R.L.A.

With-drawal of management of the estate Bom.Court of Wards Act,1905 sect ons. 5(1)(c) 10,13,18.

After considering the question of the possibility of the economic management of the estate, the Commissioner Central Division got restored the application under sections 5(1)(c) and more particularly the application under section 10 of the Court of the Wards Act, 1905 for authority to take temporary custody and protection of the property. Since 1st May 1944 the Court of Wards ~~has~~, ~~has~~ have been given the temporary custody. The order made by the District Judge of Poona in that behalf has not been challenged by any one, not even by the Sardar although he obtained an injunction against the Court of Wards from proceeding further under section 13. The High Court has stayed the proceedings of the main application under section 5(1)(c) pending the decision of the suit filed by J.B.Phadnis. In these circumstances not only is there no legal objection for the Court of Wards to continue the temporary custody, but that is obviously the only equitable and proper course to follow until the main application is finally decided.

Sd/ P.M.Lad.

Remembrancer of Legal Affairs.

U.R. to R.D.No.10372 dated the 30th October 1947.

KKN. 14/6/

Office of the R.L.A.

Court of Wards Act,1906 Raising of loans by Chafal Estate.

Pending the decision of the High Court in first appeal No.828 of 1936 between Sardar Shreemant Laxman Abasaheb Gangadharaswamy and his brothers for partition, the Chafal Estate was taken over under the management of the Court of Wards in 1939 on the application made by Sardar Shreemant Laxman Abasahe Gangadhar Swamy. The Estate was then heavily indebted and the Court of Wards took over the management of the Estate with a view to save the property for the Samsthan founded by the great historical saint Sri Samarath Ramdas. It appears that the Collector, representing the Court of Wards x was added as a co-appellant in first appeal No.228 of 1936. The High Court decided that on the evidence recorded in the case, it was not possible to conclude whether it was a public trust property or private property. Consequently, the High Court directed that the Collector should take possession and management of the property as receivor and should move for the sanction of Covernment for filling a suit under section 92 of the Civil Procedure Code on behalf of the Public against the parties to the present litigation and seek reliefs appropriate to such suit, and pending the decision in such suit, he should manage the property as receiver. On the application of the Collector, the High Court directed that the Collector should be kept in management of the property not as a receiver but as Court of wards Since then the Collector is in management of the property as Court of Wards and it appears that no suit under section 92 of the Civil Procedure Code is yet filed.

2. The Commissioner, C.D., has requested Covernment to sanction theraising of a loan of Rs.15,000/- by the Chafal Estate from the funds of the Kathi Estate at 3½% interest on the security of the Dumala Revenue of one of the village of the Chafal Estate on the following conditions.

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(1).....

(1) The Chaful estate shall remain in charge of the Court of Wards during the pendency of the loan.
(2) The said estate shall execute a regular mortgage deed for sufficient security in favour of the Kathi Estate at its own cost
(3) The instalments due shall be paid with due interest on the whole amount by 15th May of every year.

The R.L.A. is requested to advise whether there is any legal objection to this loan being given from the Funds of the Kathi Estate on the proposed conditions.

3. By G.R.R.D.No.4257-24, dated the 25th February 1938x sanction was accorded to the assumption of the Court of Wards of the superintendence of the Estate of the Swami of Chaful. Thereafter, the Collector representing the Court of Wards was brought on record in the pending first appeal No.229 of 1936 in the High Court. The effect of the High Court's order in that appeal directing the Collector to manage the Estate as Court of Wards appears to me the continuance of the management by the Court of Wards directed by Government xx in 1938. In any event, the management of the Estate by the Collector would be governed and regulated by the provisions of the Bombay Court of Wards Act, 1905. Under section 40(1) where superintendence has been assumed in pursuance of an order under section 9(1) the Court of Wards shall withdraw the superintendence as soon as, in the opinion of the Provincial Government, the property free from embarrassment. It is clear from this provision that it would be competent for the Court of Wards to continue the management of the estate until it is free from all liabilities. Viewed in that light, there would appear no objection to any of the conditions subject to which a loan of Rs.15,000/- is proposed to be raised for theChaful Estate from the funds of the Kathi Estate, but it appears doubtful whether the Court of Wards can claim to continue the management of the Estate till it is free emarrassment as

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provided in section 40(1) because the High Court has clearly directed that the management by the Court of Wards should continue till the final decision of the suit to be filed under section 92 of the C.P.C. The High Court's order will have to be respected, and consequently, if the loan of Rs.15,000/- proposed to be raised is not paid off by the time the suit under section 92 of the C.P.C. is finally decided, it would be difficult to implement the first condition, namely that the Charal Estate shall remain incharge of the Court of Wards during the pendency of the loan.

Sd/ P.M.Lad.

Remembrancer of Legal Affairs.

U.R. to R.D.No.11813, dated the 9th December 1947.

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Office of the R.L.A.

Re.Manvi Estate.

Indian Partner-Ship Act, 1932 and Bombay Court of Wards Act, 1905.

The course proposed by R.D. in para 4 of its office note at pages 45-46 is not legally feasible.

It is true that on the dissolution of a firm, the property of the firm should be first applied in payment of the debts and the liabilities of the firm, and thereafter the surplus should be distributed among the partners or their representatives according to their rights and it is possible to dispose of the assets of the firm in the present case to pay off the outstanding liabilities of the firm; but under section 25 of the Indian Partnership Act. 1932, every partner is liable jointly with all other partners and also severally for all acts of the firm done while he is a partner. In the present case, the creditors of the firm have obained joint and several decrees against all the partners. Consequently, the estate of Manvi would not escape the liability for the debt of Rs.22,000/- which is yet to be paid. In Yellapa vs.Swaminathan, 1933,Madras 755, it was held where a joint and several decree had been passed against the partnership, the plaintiff who had paid up the decretal amount in full would be entitled to the contribution without a suit for a general account. In the circumstances, it would not be legally feasible for the Court of Wards to credit the sale proceeds of the partnership assets in satisfaction of its own dues on account of the debts already paid by it and limit thereafter its liability to about Rs.8054/- as its rateable contribution towards the debts due to the creditors of

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the firm. The creditors will have a right to proceed against all the partners or any one of them. Naturally, they would proceed against the party who is more solvent. Consequently, the creditors would in all probability proceed against the Court of Wards for the recovery of their dues, and it will not be possible for the Court of Wards to resist their claims. The course proposed by R.D. would not only not materially help the Estate but is likely to involve the Court of Wards into litigation. In the circumstances, the proper course for the Court of Wards to follow would be to dispose of the assets of the firm and pay all the outstanding liabilities thereof and to proceed against the other partners of the firm for rateable contribution provided they are solvent.

Sd/. P. M. Lad.

Remembrancer of Legal Affairs.

U.R. to R.D., No.18302, dated the

23rd December 1947. EKM.14/6/